

Reissue Litigation
Group Art #1638

PTO/SB/21 (08-00)

Please type a plus sign (+) inside this box →

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

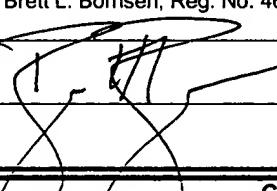
(to be used for all correspondence after initial filing)

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number 09/773,303 - 90/005,892 Filing Date 01/31/2001 - 12/20/2000 First Named Inventor Larry M. Proctor Group Art Unit 1638 Examiner Name Amy Nelson
Total Number of Pages in This Submission	5+	Attorney Docket Number 19742/002

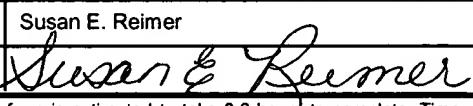
ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response □ After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application □ Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> Credit Card Form - PTO 2038 (1 pg) 8 cited Non-Patent Documents Statement Accompanying IDS (1 pg)
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Brett L. Bornsen, Reg. No. 46,566		
Signature			
Date	9-26-02		

CERTIFICATE OF MAILING *Federal Express*

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: 9/26/02				
Typed or printed name	Susan E. Reimer			
Signature			Date	9/26/02

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Reissue Litigation
Group Art #1638
#30

Practitioner's Docket No. 19742/002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Larry M. Proctor
Application No.: 09/773,303 – 90/005,892 Group No.: 1638
Filed: 01/31/2001 – 12/20/2000 Examiner: Amy Nelson

RECEIVED
TECH CENTER 1600/2900
02 SEP 27 AM 8:08

Assistant Commissioner for Patents
Washington, D.C. 20231

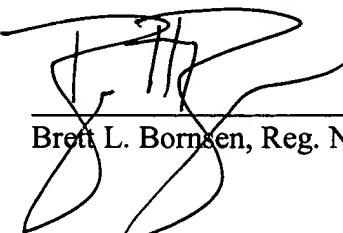
STATEMENT ACCOMPANYING IDS

□ Dear Examiner,

The documents filed in this IDS have been filed in the United States District Court for the District of Colorado (Civil Action No. 01-WY-2310 AJ) for the case of Pod-Ners, LLC v. Northern Feed & Bean of Lucerne, Ltd. Liability Co., et. al. This case is an action for infringement of Pod-Ners' Plant Variety Protection Act Certificate. Cites 5-8 allege that Pod-Ners, the owner of the patent involved in these consolidated proceedings, failed to disclose material information to the Plant Variety Protection Office and the USPTO (see Cite 5; pages 2-18, and 33-39). Cites 1-4 respond to the allegations in Cites 5-8 (see Cite 1; pages 26-49).

09/27/2002 - DE 06204

Respectfully submitted,



Brett L. Bornsen, Reg. No.: 46,566

Date: 9-26-02

Tel. No.: 303-546-1300
Fax No.: 303-499-5426

CORRESPONDENCE ADDRESS:

Customer No.: 028286

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

United States Patent & Trademark Office

Credit Card Payment Form

Please Read Instructions before Completing this Form

Credit Card Information

Credit Card Type:	<input type="checkbox"/> Visa	<input checked="" type="checkbox"/> MasterCard	<input type="checkbox"/> American Express	<input type="checkbox"/> Discover
Credit Card Account #:	5569 1950 0016 7791			
Credit Card Expiration Date:	08/05			
Name as it Appears on Credit Card:	Wayne Schertler			
Payment Amount (\$ US Dollars):	\$180.00			
Signature:			Date:	9/26/02

Refund Policy: The Office may refund a fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee will not entitle a party to a refund of such fee. The Office will not refund amounts of twenty-five dollars or less unless a refund is specifically requested, and will not notify the payor of such amounts (37 CFR 1.26). Refund of a fee paid by credit card will be via credit to the credit card account.

Service Charge: There is a \$0.00 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21(m)).

Credit Card Billing Address

Street Address 1:	2200 Wells Fargo Center		
Street Address 2:	90 South Seventh Street		
City:	Minneapolis		
State:	MN	Zip/Postal Code:	55402-3901
Country:	USA		
Daytime Phone #:	612/766-7000	Fax #:	612/766-1600

Request and Payment Information

Description of Request and Payment Information:
 Matter #275693 Timekeeper: 0950
 #090003-IDS Inventor: Proctor

<input type="checkbox"/> Patent Fee	<input type="checkbox"/> Patent Maintenance Fee	<input type="checkbox"/> Trademark Fee	<input type="checkbox"/> Other Fee
Application No. 09773,303 - 90/005,892	Application No.	Serial No.	IDON Customer No.
Patent No.	Patent No.	Registration No.	
Attorney Docket No. 19742/002		Identify or Describe Mark	

If the cardholder includes a credit card number on any form or document other than the Credit Card Payment Form, the United States Patent & Trademark Office will not be liable in the event that the credit card number becomes public knowledge.